

MEDIA RELEASE



**Attention: News Director
For Immediate Release
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**U.S. DEPARTMENT OF JUSTICE
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**LOUISVILLE MAN SENTENCED TO 8 YEARS IN
CHILD PORNOGRAPHY CASE**

- Federal judge states "these are not victimless crimes" -

David L. Huber, United States Attorney for the Western District of Kentucky, announced today that on November 20, 2006, **JOHN JOSEPH DUANE**, age 57, of 4012 Hillview Avenue, Louisville, Kentucky, in Jefferson County, **was sentenced** in United States District Court, Louisville, Kentucky, for possession and receipt of child pornography.

United States District Judge Charles R. Simpson, III, sentenced **Duane** to 8 years and 1 month incarceration plus 10 years supervised release following incarceration. **There is no parole in the federal judicial system**

Duane had pled guilty to receiving on March 15, 2003, and April 12, 2003, over the internet, via computer, visual depictions the production of which involved the use of a minor engaging in sexually explicit conduct. Further, **Duane** pled guilty to possessing, on November 10, 2005, matters which contained visual depictions the production of which involved the use of a minors engaging in sexually explicit conduct, including rape, sodomy, and sadism.

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Background

These child pornography charges arose from a nationwide investigation in which the Bureau of Immigration and Customs Enforcement ("ICE") traced credit card information to obtain the "names of some 40,000 Americans who downloaded child porn and led to more than 1,400 arrests worldwide including about 330 in the US," according to the Wall Street Journal. Based on this credit card information, on November 10, 2005, ICE agents interviewed **Duane** at his residence. **Duane** stated he had purchased child pornography over the Internet. Specifically, he admitted that he had used his credit card to purchase memberships to Lustgallery and Darkfeeling (website that distributed child pornography) in March and April 2003.

Forensic exam of the computer and CDs taken from Duane's residence resulted in discovery of hundreds of images of child pornography, including prepubescent and sadistic images. At present, the images have been categorized as follows: 243 images of child pornography, 15 images of dark feeling child pornography, 283 images erotica, 29 images of prepubescent child pornography, 2 images of sadistic child pornography. Duane stated he would save pictures to CDs to clear room on his hard drive for more pictures.

Pornographic Images

The images are of minor children (mostly female) either displaying their genitalia in a lascivious manner or engaged in oral, anal, or vaginal sex with an adult male. Some images involved multiple minors, at times performing sex acts on each other. Some representative descriptions follow:

- (1) a still image depicting a prepubescent girl performing oral sex on an adult male.

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(2) An image depicting a naked minor girl lying on her back with her legs spread open display her genitalia as three men urinate on her.

(3) An image depicting a minor female lying naked on a beach, display her genitalia.

(4) A still image depicting an adult male inserting his penis into a minor female vagina.

(5) An image depicting a minor male and female lying on top of an adult male. The children's heads are next to the adults penis, and the girl is licking it.

(6) An image depicting a minor female wearing only a shirt and performing oral sex on an adult male holding a large stuffed animal.

(7) An image depicting an adult male urinating in the mouth of a minor male, who is naked and kneeling at the feet of the adult male.

(8) An image depicting an adult male inserting his penis into the anus of a very young female.

(9) An image depicting an adult male inserting his penis into the anus of a young boy who is naked and facing the camera while straddling the man.

In reaching the sentence to be imposed in this case, Judge Simpson rejected the opinion of a mental health witness called by the defendant. That witness, David Breeding, testified that **Duane's** crime was a victimless crime. Judge Simpson clearly and unequivocally noted that the receipt and possession of child pornography were not victimless crimes, stating in open court that he had viewed some of the images and believed the children shown in the images to be victims of child sexual abuse. Judge Simpson also noted that "but for people like Mr. **Duane**," who want to acquire the child pornography materials, there would be no need for the producers of child pornography to continue to create it.

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Assistant United States Attorneys Madison T. Sewell and Jo E. Lawless prosecuted the case. The Bureau of Immigration and Customs Enforcement and the Boone County Sheriff's Office conducted the investigation.

This case was brought as part of Project Safe Childhood. In February 2006, Attorney General Alberto R. Gonzales created Project Safe Childhood, a nationwide initiative designed to protect children from online exploitation and abuse. Led by the United States Attorneys Offices, Project Safe Childhood marshals federal, state and local resources to better locate, apprehend, and prosecute individuals who exploit children via the Internet, as well as identify and rescue victims. For more information about Project Safe Childhood, please visit www.projectsafechildhood.gov/.

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